

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE
COMPANY,

Plaintiff,

v.

VESTMONT LIMITED PARTNERSHIP,
et al.,

Defendants.

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: Civil Action No. 05-11614 WGY
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: JURY TRIAL DEMANDED
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MOTION FOR LEAVE TO FILE AMENDED COUNTERCLAIM

Defendants/Counterclaim Plaintiffs Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III and Vesterra Corporation (collectively, “Vesterra”), by and through their undersigned attorneys, hereby move, pursuant to Fed. R. Civ. P. 15(a) and 16(b), for leave to file an Amended Counterclaim in the form attached as Exhibit 1 to the accompanying Memorandum of Law, which sets forth the reasons in support of this motion. The Amended Counterclaim asserts two new counts that are based on internal John Hancock documents not produced to Vesterra until January 2006, and on the deposition testimony of a John Hancock employee on January 27, 2006.

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

The undersigned conferred with counsel for all parties in a good faith effort to resolve or narrow the issues contained in this motion.

/s/ C. Randolph Ross

Respectfully submitted,

/s/ Robert D. Hillman

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and Vesterra Corporation

Dated: February 8, 2006

CERTIFICATE OF SERVICE

I, Robert D. Hillman, certify that I understand that counsel of record will receive electronic notice of the electronic filing of this pleading.

/s/ Robert D. Hillman

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